IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3074 OF 2002

IN

ARBITRATION PETITION (L) NO.526 OF 2002

...

Hasomal Nenumai Thadani ...Petitioner

v/s.

Mr.Rusi H.Modi ...Respondent

...

Mr.J.J.Thakkar for the Petitioner.

Mr.Snehal Shah i/b Pardiwala & Co. for the Respondent.

...

CORAM: D.K.DESHMUKH, J.

DATED: 5TH APRIL,2005

P.C.:

There is inordinate delay of 15 years and 2 months in filing the petition for making the award rule of the court. Even for execution of the decree passed by the court, the period of limitation is 12 years. Delay is inordinate. Due to passage of time rights get settled. The other side obviously acted on the basis of the impression given by the Petitioner that he is not interested in executing the award. In my opinion, it will be unjust to disturb the settled position obtained because of the inaction of the Petitioner, for whatever reason, for such a long time. Hence, the delay can not be condoned. Notice of Motion disposed of.

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